

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE VENEGAS-SAGASTE,

Defendant.

2:10-CR-248 JCM (GWF)

**ORDER**

Presently before the court is defendant Jose Venegas-Sagaste's *pro se* motion to return property. (Doc. #112). The United States filed an opposition. (Doc. #116). Defendant failed to file a reply.

Pursuant to Federal Rule of Criminal Procedure 41(g), defendant moves for the return of \$3,000 which was allegedly seized during defendant's arrest in the instant matter. (Doc. #112). The United States opposes this motion, arguing: (1) defendant is currently represented by an attorney and cannot file *pro se* motions pursuant to Local Rule IA 10-6(a), and (2) there is no evidence that defendant had \$3,000 on his person at the time of his arrest.

Pursuant to Local Rule IA 10-6(a), "[a] party who has appeared by attorney cannot while so represented appear or act in the case." Travis Shetler was assigned to represent defendant, and the docket indicates that Mr. Shetler continues to represent defendant. Accordingly, any motions defendant seeks this court to consider must be filed by defendant's attorney of record.


...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Jose Venegas-Sagaste's *pro se* motion to return property (doc. #112) be, and the same hereby is, DENIED.

DATED July 6, 2012.

  
UNITED STATES DISTRICT JUDGE